

**MINUTES OF MEETING OF  
BOARD OF ELECTRICAL APPEALS**

**December 13, 2005 - 3:00 p.m.**

**OFFICE OF CENTRAL INSPECTION  
CITY HALL, 455 NORTH MAIN  
FIRE PREVENTION CONFERENCE ROOM 11<sup>TH</sup> FLOOR**

Chairman Roy Meinhardt called the meeting to order at 3:04 pm, with Board members Dale Johnson, John Whittit, Harold Ragland, Jerry Addington and Secretary Tom Kerschen present. Also present was Kurt Schroeder superintendent of Central Inspection, Doug Moshier City attorney's office, Ismael De Leon electrical inspector and Bill Loveland elevator inspector.

Because of all the guests at this meeting, Chairman Meinhardt explained to the Board they would go to the new business section of the agenda.

Under part A of the new business section of the agenda, Chairman Meinhardt asked that everyone present for the hearing introduce themselves. So also present was Tom Saint Peter, Boyd Howard attorney for Mr. Saint Peter, Andrew Malone employee of Saint Electric and Steve Kelley with Steve Kelly Construction Inc. Secretary Kerschen explained this hearing with Tom Saint Peter of Saint Electric was about the alleged violation of an order of the Superintendent of Central Inspection dated May 23, 2005 that stated in part "(a) No apprentice electrician or helper shall install any electrical work within the city unless he or she is on the job site with and under the supervision of a master or journeyman electrician certified by the city. (b) A numeric ratio of apprentices or helpers to certified city master or journeyman electricians shall not be greater than four apprentices or helpers for each certified electrician. OCI interprets presence at the job site to generally mean continuous and constant physical presence. OCI understands there may be infrequent occasions wherein, for legitimate reasons, a certified electrician may not be present to supervise work (for some brief period of time). On such occasions, the OCI expects that the electrical work has been and will be halted for the duration of the supervising electrician's absence, and that the supervising electrician can be contacted to return to the job site while the OCI inspector is at the site. The supervising electrician for the job site should be able to return to the job site within 10 minutes. You should consider this letter and its guidance to be an order of the Superintendent of Central Inspection", and the charge was presented to the Board at the October 11, 2005 meeting by Kurt Schroeder, Superintendent of Central Inspection. Secretary Kerschen asked electrical inspector Ismael De Leon, he was the inspector at the job site, to explain to the Board the circumstances that brought this charge.

Ismael De Leon said on October 3, 2005 he was scheduled for 2 inspections in the 121 hundred block of East Andrea. There was only one house framed at that time and he pulled up in front of that house to get a posted address for bearing on where the other 2 addresses are located. The address of the framed house is 12125 E Andrea. This house was open into the garage and Mr. De Leon said he saw a person working in the electric panel and he recognized him as the person he found doing electrical work a couple of months earlier and when he was asked, at that time, if he had a journeyman or master certificate issued by the City of Wichita he went to his vehicle and quickly left. Mr. De Leon stated he went inside to check to see if this person had an electrical certificate and while he was talking to him a second person, who was in the house installing electrical wiring, came into the garage. They told Mr. De Leon they did not have a certificate and Mr. De Leon told them he would wait 10 minutes for someone with an electrical certificate to arrive. Mr. De Leon said the time was 2:58pm. Mr. De Leon went on to state that at 3:08pm

he went back into the house, as no one with a certificate arrived, to ask for a picture ID but the 2 men refused to comply. He then called 911 and requested a police officer to come to 12125 E Andrea to help obtain identification of the 2 men. Mr. De Leon stated a police officer arrived at 3:15pm and did acquire identification from the 2 men, one being Francis Andrew Malone and the other person is Clark Byers. Mr. De Leon stated that Tom Saint Peter arrived at the job site at 3:18pm, 20 minutes after he first went inside to talk to the men doing electrical work. He also stated that Mr. Saint Peter was very upset and loud, so the police officer told him to get away from Mr. De Leon and go inside the building, which he and his men did and they went back to work.

Chairman Meinhardt asked if any of the Board members had questions for Mr. De Leon. Board member Whittit asked for the specific times to be given again and a clarification that Mr. Saint Peter was on site when the men went back into the house to continue working. Mr. De Leon said he first went inside to talk to the men doing electrical work at 2:58pm, called 911 for a police officer to help obtain identification at 3:08pm, police officer arrived at 3:15pm and Mr. Saint Peter arrived at 3:18pm, also that Mr. Saint Peter was there when the men went inside and continued working. Chairman Meinhardt asked if the people issued the citations were in the room. Mr. De Leon stated that only one of them was present.

Chairman Meinhardt asked Mr. Howard if he had questions for Mr. De Leon. Mr. Howard asked Mr. De Leon if the men had uniforms and Mr. De Leon said no. Mr. Howard asked how many were there working as Mr. De Leon said 2 men. Mr. Howard asked what stage the work in the house was in at that time and Mr. De Leon said it was in the rough-in stage. Mr. Howard asked if Mr. De Leon felt he understood the content of the letter and the 10 minutes allowed for the certificate holder to return. Mr. De Leon said that he understood a person with a journeyman or master certificate must be back on site within 10 minutes. After a discussion between Mr. Howard, Mr. Moshier and Mr. Schroeder about the letter on May 23<sup>rd</sup> and it being an order to Mr. Saint Peter instead of just an interpretation of supervision and job site, the hearing continued.

Mr. Howard asked Secretary Kerschen about inspection procedures and number of electrical inspections required on a new residence. Secretary Kerschen explained there is a minimum of three inspections, a rough-in, a service and a final. Mr. Howard also asked Secretary Kerschen how many master electricians and journeyman electricians are certified by the City, Secretary Kerschen said he did not know, but could obtain this information if needed.

Mr. Howard asked Mr. Kelley about his work experience with Mr. Saint Peter and the electricians that are employed with Saint Electric. Mr. Kelley explained that he is a general contractor and has been since 1974 and builds both commercial and residential buildings. Mr. Kelley said he has hired and worked with several different electrical contractors and electricians and Saint Electric and his employees do better work than other electrical contractors he used and has very few problems with their work. Mr. Moshier asked Mr. Kelley if the house on 12125 E. Andrea was his house or if he had any first hand knowledge of the work at that address and Mr. Kelley answered no.

Mr. Howard asked Mr. Malone how long he has worked for Saint Electric and Mr. Malone said just over two years. He went on to say that he has been in the electrical trade for twelve years and the other jurisdictions he worked did not require a certificate. Mr. Malone was asked if he had an electrical certificate and he said no but was working on getting one as he has taken the Experi test on October 15, 2005 and appealed the results. Mr. Howard asked Mr. Malone how Mr. Saint Peter had been gone at the time Mr. De Leon arrived and he said that Mr. Saint Peter had just left and as such he went immediately out to the vehicle to contact Mr. Saint Peter over the radio to inform him the inspector was at the site. Mr. Malone said Mr. Saint Peter had been there all day, since about 8:10 that morning.

Mr. Howard asked Mr. Saint Peter if he took the Exporior test. Mr. Saint Peter said no, that he took his test before the Exporior test was offered but he supports testing and was responsible for getting the residential journeyman electricians test, he said he started circulation a petition to allow that test. Mr. Saint Peter stated his company, Saint Electric, has wired over 3,600 new homes since 1986 and 356 remodels without any real concerns or complaints from the builders or owners. Mr. Saint Peter explained that Clark Byers has been employed by Saint Electric for approximately eighteen years and that he has known Mr. Clark longer than that as they both worked for Rays Electric prior to 1986. Mr. Saint Peter continued stating that he feels Mr. Clark and Mr. Malone are very competent workers and that he himself was at 12125 E Andrea from approximately 8:00am until 3:00pm. Mr. Saint Peter said he has both 2-way radios and a cell phone so he can stay in communication with his employees and that Mr. Malone contacted him on the 2-way radio and let him know the inspector was on site. Mr. Saint Peter stated he finished filling his vehicle up with gas and went inside to get something to drink before heading to the job site, as he did not feel the 10 minutes was a specific time limit, only a general rule. Mr. Moshier asked Mr. Saint Peter if he directed his employees to stop doing electrical work while he was gone and he stated he did not.

Board member Whittit made a motion to exit into executive session to discuss this issue with Doug Moshier, the City attorney, until 5:15pm. The motion was seconded by Board member Ragland and passed. The time was 4:52pm.

At 5:15 pm the Board reconvened. A motion was made by Board member Whittit that Mr. Saint Peter is in violation of the letter dated May 23, 2005, for not instructing his employees to halt the electrical work, and to suspend his electrical contractors license but contingent on a probationary period of 12 months and that this has its final determination at the January 10, 2006 board meeting. Board member Ragland seconded the motion and it was unanimously approved.

Chairman Meinhardt explained to the Board they would go back to the top of the agenda, at this time, and proceed on to the approval of the November 8, 2005 minutes. The minutes of the November 8, 2005 meeting were read. Board member Ragland made a motion the minutes be approved as written, it was seconded by Board member Whittit and approved.

The recent examination results from Exporior Assessments for electrical examinations administered by their office for City of Wichita approved applicants were presented to the Board. The results were as follows:

APPLICANT NAME	APPLICANT NUMBER	EXAMINATION CLASSIFICATION	EXAMINATION RESULT
Joe Coleman Jr	5476	Master	Failed
Michael Schartz	7082	Master	Passed
Richard Diaz	2270	Res. Journeyman	Failed
Alan Rader	5744	Res. Journeyman	Failed
Devon Ward	8584	Res. Journeyman	Passed

One (1) Master Electrician, two (2) Journeyman and one (1) Residential Journeyman Electrician examination applications were reviewed for approval to be administered the appropriate examination for certification. The results were as follows:

NAME	NUMBER	CLASSIFICATION	ACTION
Michael Smith	7969	Master	Approved

Paul Bohlken	3552	Journeyman	Approved
Shawn M. Henry	3313	Journeyman	Approved
Richard Diaz	2270	Res. Journeyman	Approved

Under part B of the new business section of the agenda, Secretary Kerschen presented to the Board technical data from KONE Elevator requesting a variance for allowing 6mm and 8mm diameter suspension steel ropes on the KONE MRL electric traction elevators. Bill Loveland, elevator inspector, explained to the Board that these are new technology steel ropes that are lighter, more pliable and less likely to kink than the traditional 9.5mm steel ropes. The Board reviewed the technical documentation provided by KONE elevators to see if it complied with the safety requirements of the ASME 17.1 standard for application of rules to new technology. Board member Addington made a motion to allow the use of 6mm and 8mm diameter steel wire ropes on the KONE MRL electric traction elevators, it was seconded by Board member Ragland and approved.

Secretary Kerschen also informed the Board that Board member Hackney submitted a letter of resignation on December 8, 2005 of his position on the Board.

With no other business to conduct, Board member Whittit made a motion to adjourn. Board member Addington seconded the motion and the meeting adjourned.

The time was 5:35 pm.

Tom Kerschen, Secretary,  
Board of Electrical Appeals